

ESTTA Tracking number: **ESTTA730447**

Filing date: **03/01/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Information Builders, Inc.
Granted to Date of previous extension	03/02/2016
Address	2 Penn Plaza New York, NY 10121 UNITED STATES
Attorney information	Howard F. Mandelbaum Levine Mandelbaum PLLC 222 Bloomingdale Road, Suite 203 White Plains, NY 10605 UNITED STATES mail@levman.com Phone:(914) 421-0500

Applicant Information

Application No	86323983	Publication date	11/03/2015
Opposition Filing Date	03/01/2016	Opposition Period Ends	03/02/2016
Applicant	Times Publishing Limited 1 New Industrial Road Times Centre, 536196 SINGAPORE		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 Opposed goods and services in the class: Computer software for mathematics and children's education;
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by blurring	Trademark Act section 43(c)
Dilution by tarnishment	Trademark Act section 43(c)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1652265	Application Date	08/23/1990
Registration Date	07/30/1991	Foreign Priority Date	NONE
Word Mark	FOCUS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1975/03/00 First Use In Commerce: 1975/03/00 computer programs for data base management

U.S. Registration No.	2821942	Application Date	06/30/2000
Registration Date	03/16/2004	Foreign Priority Date	NONE

Word Mark	FOCUS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 1975/03/00 First Use In Commerce: 1975/03/00 COMPUTER SOFTWARE FOR DATABASE MANAGEMENT; COMPUTER SOFTWARE FOR USE IN DECISION SUPPORT SYSTEMS; COMPUTER SOFTWARE FORUSE IN ENTERPRISE REPORTING AND ANALYSIS SYSTEMS AND FOR BUILDING APPLICATIONS FOR THE MANAGEMENT AND TRACKING OF DATA FOR ENTERPRISE REPORTING SYSTEMS; COMPUTER DATABASE PROGRAMS FOR USE IN CONNECTION WITH DECISION SUPPORT, ANALYSIS, AND REPORTING PROGRAMS; COMPUTER SOFTWARE DEVELOPMENT TOOLS FOR USE IN DEVELOPING DECISION SUPPORT, ANALYSIS, AND REPORTING SYSTEMS AND APPLICATIONS; COMPUTER SOFTWARE, NAMELY, CLIENT/SERVER REPORTING, ANALYSIS AND DECISION SUPPORT TOOLS; COMPUTERIZED DATABASE, REPORTING, AND ANALYSIS SOFTWARE FOR USE ON CORPORATE INTRANETWEB SITES; ENTERPRISE SERVER SOFTWARE FOR USE IN WEB BASED DATA PUBLISHING, REPORTING, AND ANALYSIS SOLUTIONS; COMPUTERSOFTWARE FOR ACCESSING DATABASES BY MEANS OF GLOBAL COMPUTER NETWORKS TO GENERATE REPORTS; SOFTWARE DEVELOPMENT TOOLS FOR MAKING REPORTING AND ANALYSIS AVAILABLE THROUGH GLOBAL COMPUTER NETWORK WORLDWIDE WEBSITES AND FOR EXTENDING THE FUNCTIONALITY OF ENTERPRISE REPORTING AND ANALYSIS SYSTEMS ON TO GLOBAL COMPUTER NETWORKS; AND COMPUTER SOFTWARE FOR ACCESSING AND UPDATING DATABASES THROUGH GLOBALCOMPUTER NETWORKS
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Attachments	76083549#TMSN.png(bytes) IBI A530US_NoticeofOpp.pdf(15300 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Howard F. Mandelbaum/
Name	Howard F. Mandelbaum
Date	03/01/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of an application to register MATH IN FOCUS DIGI+, Serial No. 86/323,983 filed June 30, 2014, published for opposition on November 3, 2015, on Pages 1043-1045 of the Official Gazette:

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Information Builders, Inc.	:
Opposer,	:
v.	: Opp. No.
Times Publishing Limited	:
Applicant.	:
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NOTICE OF OPPOSITION

Information Builders, Inc., a corporation of the State of New York, having a principal place of business at 2 Penn Plaza, New York, New York 10121-2898, believes that it will be damaged by registration of the mark identified above, and hereby opposes such registration.

The grounds for the opposition are as follows:

1. Opposer is a business intelligence company that produces, markets and/or licenses computer software for database management, for use in decision support systems, and for information control, reporting, and networking, including designing, building, and maintaining databases, recording,

processing, analyzing and displaying data and information in a wide variety of industries and fields, and provides to its customers support services including education in the use of software, and technical support and consultation in connection with implementation and installation of the software.

2. Since 1975, Opposer has been marketing its software under the trademark FOCUS to computer users in a wide variety of industries and providing consulting services in connection with its FOCUS software for use in the management of business, and Opposer has registered its trademark in the Patent and Trademark Office under Nos. 1,652,265 and 2,821,942.

3. In the early 1980's, Opposer began marketing its software under various additional trademarks which include the word FOCUS. Opposer is also the owner of the following Patent and Trademark Office registrations:

<u>Registration No.</u>	<u>Trademark</u>
2,223,450	FOCUS FORECASTING
2,223,457	FOCUS FORECASTING
2,248,562	WEBFOCUS
2,685,249	WEBFOCUS
3,755,093	OMNIFOCUS
3,831,741	WEBFOCUS MAGNIFY

4. Opposer sells computer software enabling users, via the Internet, to manage data using Opposer's FOCUS software.

5. Opposer sells computerized instruction and training courses, accompanied by related printed materials, for teaching the use of FOCUS software.

6. Opposer renders consulting services in connection with its FOCUS software for use in the management of business.

7. Opposer has published a magazine entitled FOCUS SYSTEMS JOURNAL, and newsletters entitled FOCUS NEWS and FOCUS FLASH, distributed to computer users, as well as an online magazine entitled "The FOCUS Quarterly", and currently publishes WEBFOCUS Journal.

8. Opposer established "The Focus Users Group" (FUSE) for its customers, and now holds annual conferences at which representatives of those who use FOCUS software attend educational workshops, see product demonstrations, and otherwise exchange information about FOCUS software.

9. Applicant seeks to register MATH IN FOCUS DIGI+, inter alia, for "...computer software for mathematics and children's education. . . ." in Class 9.

10. Upon information and belief, Applicant's goods are so closely related to Opposer's and Opposer's licensee's software, the printed and online materials distributed by Opposer, and Opposer's services, that use of similar marks on the respective goods and services of the parties is likely to cause confusion

or mistake, or to deceive purchasers as to the origin of the goods and services.

11. Upon information and belief, the registration by Applicant of MATH IN FOCUS DIGI+ for goods closely related to Opposer's and Opposer's licensee's goods and services will impair Opposer's free use of its trademark, and will dilute the distinctive quality of Opposer's famous "Focus" trademarks, which became famous prior to Applicant's first use date, and will result in injury to the good will Opposer has acquired with respect to its trademarks, all to Opposer's damage.

WHEREFORE, Opposer prays that the registration for which application has been made be disallowed, and that this opposition be sustained.

/Howard F. Mandelbaum/

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